

REMARKS

Initially, Applicants would like to thank the Examiner for acknowledging consideration of each of the references cited in the Information Disclosure Statement filed on August 2, 2004. However, Applicants note that the Examiner did not acknowledge consideration of each of the references cited in the Information Disclosure Statement filed on July 19, 2005. Accordingly, the Examiner is requested to initial the appropriate spaces on the PTO-1449 Forms which were attached to the Information Disclosure Statement filed on July 19, 2005, and to return a copy of the Forms to the Applicants with the next official communication in the present application.

In the outstanding Official Action, claims 1-21 were rejected under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,088,433. Claims 1, 4-6, 8, 11-13, 15 and 18-20 were also rejected under 35 U.S.C. §102(e) over GROSS et al. (U.S. Patent No. 6,018,575). Claims 2-3, 7, 9-10, 14, 16-17 and 21 were also rejected under 35 U.S.C. §103(a) over GROSS in view of SLUSKY (U.S. Patent No. 5,487,111).

Applicants traverse the rejection of claims 1-21 under the judicially created doctrine of obviousness-type double patenting over the claims of U.S. Patent No. 6,088,433. In this regard, the outstanding Official Action asserts that "although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1-21 of this pending application and claims 1-20 of U.S. Patent No.

6,088,433 are similar in scope with obvious wordings variations. Applicants respectfully submit that the outstanding Official Action is in error.

In particular, Applicants respectfully submit that there is no motivation for one of ordinary skill in the relevant art to modify claims 1-20 of U.S. Patent No. 6,088,433 to obtain the invention recited in claims 1-21 of the present application. Furthermore, the outstanding Official Action does not cite any proper motivation to modify the teachings of claims 1-20 of U.S. Patent No. 6,088,433 to obtain the invention recited in claims 1-21 of the present application. For example, there is no proper motivation to modify the teachings of claims 1-20 of U.S. Patent No. 6,088,433 to require that the "call forwarding system" recited in claim 1 of U.S. Patent No. 6,088,433 include a "hub switch... designated before the call is placed to receive rerouted calls from the old service destination switch" (emphasis added).

Applicants further note the language of the Manual of Patent Examining Procedure 804(2)(B)(1), which states:

*"[a]ny obviousness-type double patenting rejection should make clear:*

*(A) The differences between the inventions defined by the conflicting claims -- a claim in the patent compared to a claim in the application; and*

*(B) The reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent".*

In this regard, the outstanding Official Action acknowledges that differences exist between the claims of the present application and the claims of U.S. Patent No. 6,088,433; however, the rejection is based upon the unsupported conclusion that the claims of the present application and the claims of U.S. Patent No. 6,088,433 are "similar in scope with some obvious wordings variations". In this regard, the outstanding Official Action does not provide any proper reasons why a person of ordinary skill in the art would conclude that the invention defined in the claim in issue is an obvious variation of the invention defined in a claim in the patent. Accordingly, Applicants traverse the outstanding obviousness-type double patenting rejection of claims 1-21.

Despite the traversal of the obviousness-type double patenting rejection of claims 1-21, Applicants may consider filing a Terminal Disclaimer, merely to expedite allowance of the present application, when a final allowable form of the claims is determined. In this regard, the final form of allowable claims is indeterminate at this stage due to the rejection of claims over a reference, and the filing of a Terminal Disclaimer (merely to expedite allowance) at this time is believed to be premature, at least for the reasons set forth in the traversal.

Applicants traverse the rejection of claims 1, 4-6, 8, 11-13, 15 and 18-20 under 35 U.S.C. §102(e) over GROSS. Claim 1 of the present application recites, *inter alia*, "a hub switch that receives at least one rerouted call from an old service destination switch, the hub switch initiating a trigger to a network platform that obtains the new service

destination, the hub switch being designated before the call is placed to receive rerouted calls from the old service destination switch". Applicants respectfully submit that GROSS does not disclose or suggest at least the above-noted features recited in claim 1.

The Official Action asserts that the "hub switch" recited in claim 1 is disclosed by the "IEC switch" shown, e.g., in FIG. 4 of GROSS. The Official Action also asserts that the "old service destination switch" recited in claim 1 is disclosed by the "LEC switch" shown, e.g., in FIG. 4 of GROSS. Applicants submit that the above-noted assertions are in error.

In particular, as shown in FIG. 4 of GROSS, the IEC switch 150 receives a rerouted call from the original service destination switch 146. Additionally, "the IEC switch 150 receives the call and issues a query to the data access point (DAP) 154 as indicated by arrow 152" (see col. 6, lines 28-30). However, the IEC switch 150 is not "designated before the call is placed to receive rerouted calls from the old service destination switch" as recited in claim 1. Rather, GROSS explicitly discloses, at col. 6, lines 17-26, that:

*"[t]he LEC switch 146 performs a standard switch table query to yield a number translation (step 110 in FIG. 3). In particular, the originally dialed DDD phone number is translated to a second DDD phone number that is unique to the subscriber. The LEC switch 146 then uses this second DDD number to route the call to an IEC switch 150*

*along with a special carrier identification code (CIC) generated by the LEC switch 146 that designates the call as a call that is destined to the platform 10".*

In other words, the call is routed to the IEC switch 150 based on a number translation by the LEC switch 146. Thus, the IEC switch 150 is not "designated before the call is placed to receive rerouted calls from the old service destination switch". Accordingly, claim 1 is clearly patentable over GROSS. In this regard, if claim 1 is rejected over GROSS in a subsequent Official Action, Applicants respectfully request clarification from the Examiner as to how GROSS is being interpreted as disclosing or suggesting the above-noted features.

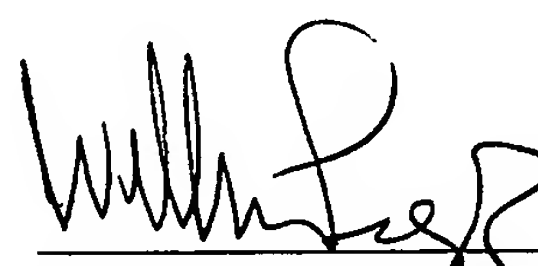
Accordingly, Applicants submit that claim 1 is allowable over the references applied in the Official Action, at least for the reasons set forth above. Applicants further submit that claims 8 and 15 are allowable at least because each of these claims recites a combination of features similar to the above-noted combination of features recited in claim 1. Applicants further submit that each of claims 2-7, 9-14 and 16-21 is allowable at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations.

SUMMARY AND CONCLUSION

Applicants believe that the present application is in condition for allowance. Applicants have discussed the features recited in Applicants' claims and have shown how these features are not taught, disclosed nor rendered obvious by the references cited by the Examiner. Accordingly, reconsideration of the rejections set forth in the outstanding Official Action and allowance of the present application and all the claims therein are respectfully requested.

Should there be any comments or questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
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